

COUNCIL AGENDA: 08-17-04
ITEM: 3.4

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

SUBJECT: ELECTIONS COMMISSION
INTERVIEWS

FROM: Lee Price
City Clerk

DATE: 08-12-04

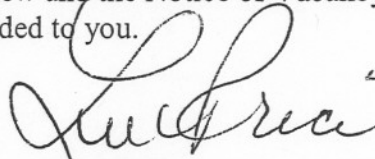
The following applications have been submitted for the Elections Commission to fill an unexpired term ending March 1, 2007:

Fred de Funiak
John Horton
Alan Wildman

A fourth applicant, Ronald Stasiak, informed us today that he is currently a candidate for the Board of Trustees for the West Valley Community College District; therefore, he is not eligible to serve on the Commission.

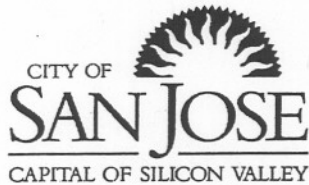
Given the need to fill this important vacancy as soon as possible, I am recommending that the other three applicants be interviewed on Tuesday, August 17, 2004, as part of the regular Council meeting. An applicant receiving a two-thirds vote (8) of the Council will be appointed to serve on the Elections Commission. Ballots for each of you will be provided and tabulated at the meeting following the interviews.

Attached are the applications, City Attorney's review and the Notice of Vacancy. The Code Enforcement review is pending and will be forwarded to you.


LEE PRICE
City Clerk

Attachments

5



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: RICHARD DOYLE
City Attorney

SUBJECT: Elections Commission -
Applications

DATE: August 11, 2004

BACKGROUND

The City Council will interview applicants for the San Jose Elections Commission. This Office routinely reviews applications to City Boards and Commissions. The applications generally do not provide complete information; however, they do occasionally disclose potential conflicts of interest or incompatible offices. The purpose of this memorandum is to highlight major areas of potential conflict that may be disclosed by the applications.

ELECTIONS COMMISSION DUTIES

The San Jose Elections Commission monitors compliance with all campaign and ethics ordinances in the San Jose Municipal Code. The Commission reviews and investigates allegations of violations of the City's Campaign Contribution Ordinance and makes recommendations for enforcement action where appropriate. The Commission also makes recommendations to the Council with regard to campaign and ethics regulations and policies.

ELECTIONS COMMISSION REQUIREMENTS

Members of the Elections Commission are required to have some demonstrated familiarity and experience with campaign laws. While serving on the five member Elections Commission, no member can hold any other public office nor publicly endorse any candidate for City office or engage in any political or campaign activity on behalf of any candidate for City office. Further, no member can participate as a candidate in any election to public office for a period of two years before and after tenure on the Commission. At least one member of the Commission must be an attorney licensed to practice in California.

The applications submitted by the applicants for the Elections Commission did not provide information concerning demonstrated familiarity and experience with campaign laws. Therefore, the City Council should request that all candidates provide this information during their interview before the Council.

APPLICANTS

Frederick R. de Funiak – Mr. de Funiak is a retired Principal from the East Side Union High School District and former member of the Civil Grand Jury. His application does not otherwise provide information concerning a demonstrated familiarity and experience with campaign laws. His application discloses neither incompatible offices nor apparent conflicts of interest.

Ronald A. Stasiak – Mr. Stasiak is self-employed as a Financial Advisor with American Express and is a former police officer. His application does not provide information concerning a demonstrated familiarity and experience with campaign laws. His application discloses neither incompatible offices nor apparent conflicts of interest.

John Horton – Mr. Horton is retired. Mr. Horton's application does not provide information concerning a demonstrated familiarity and experience with campaign laws. His application discloses neither incompatible offices nor apparent conflicts of interest.

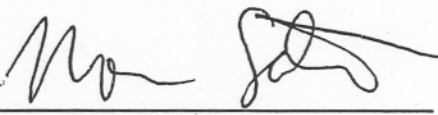
Alan Wildman – Mr. Wildman is employed as the Director of Radiology for Lucile S. Packard Children's Hospital. His application does not provide information concerning a demonstrated familiarity and experience with campaign laws. His application discloses neither incompatible offices nor apparent conflicts of interest.

CONCLUSION

We do not have sufficient information from the applications to fully assess whether the applicants meet the requirements in the Municipal Code for the Elections Commission. Not all of the applications provide information which demonstrates familiarity with campaign laws as required by the Code. Therefore, if these applicants are interviewed, they should be provided an opportunity to provide such information to the City Council.

None of the applicants appear to have any incompatible offices or pervasive conflicts which would prevent them from serving on the Elections Commission. You may wish to consider the above comments in appointing an applicant to serve on the San Jose Elections Commission.

RICHARD DOYLE
City Attorney

By 
NORMAN SATO
Chief Deputy City Attorney

cc: Del Borgsdorf
Lee Price



CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk
801 North First Street, Room 116
San José, California 95110
Telephone (408) 277-4424
FAX (408) 277-3285

CITY CLERK

NOTICE OF VACANCY ELECTIONS COMMISSION ONE UNEXPIRED TERM ENDING MARCH 1, 2007

DEADLINE TO APPLY: FRIDAY, JULY 30, 2004 at 5:00 P.M.

The San Jose City Council is accepting applications for appointments to the Elections Commission. The Elections Commission monitors compliance with all campaign and ethics ordinances in the San Jose Municipal Code. The Commission reviews and investigates allegations of violations of the Code and makes recommendations for enforcement action where appropriate. The Elections Commission also makes recommendations to the Council with regard to campaign and ethics regulations and policies.

The Elections Commission is comprised of five members who are appointed by no less than a two-thirds vote of the Council. Each member **must be a registered voter** in the City of San Jose and have some demonstrated familiarity and experience with campaign laws. One Member shall be an attorney-at-law licensed to practice in the State of California. Membership on the Commission should be representative of the community. Members of the Commission are appointed to four-year terms and may serve a maximum of two terms.

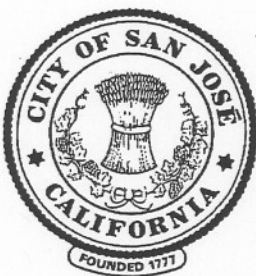
Members of the Elections Commission must not be employed by the City nor have any direct or substantial financial interest in any business, work or official action taken by the City. **While serving on the Commission, no member can hold any other public office nor publicly endorse any candidate for City office or engage in any political or campaign activity on behalf of any candidate for City office. Further, no member can participate as a candidate in any election to public office for a period of two years before and after tenure on the Elections Commission.**

Appointment Process: Following posting and distribution of a Notice of Vacancy, all applications received by the deadline will be submitted to the Mayor and Council Members who will notify the City Clerk as to whom they would like to interview. Applicants receiving four or more such indications of interest will be notified and asked to appear during a regularly scheduled Council Meeting to be interviewed by the Mayor and Council Members. Following interviews, the Mayor and Council Members cast written ballots which are read into the record by the City Clerk. Applicants must receive a two-thirds vote of Council (8 votes) to be appointed to serve on the Elections Commission. It is anticipated interviews will be held on August 17, 2004.

Applications and additional information may be obtained from the Office of the City Clerk, 801 North First Street, Room 116, San Jose, California 95110. Telephone: 408.277.4424.

6/25/04





CITY OF SAN JOSE, CALIFORNIA

APPLICATION FOR SAN JOSE ELECTIONS COMMISSION

MEMBERS OF SAN JOSE ELECTIONS COMMISSION MUST BE RESIDENTS OF SAN JOSÉ. PLEASE TYPE OR PRINT IN BLACK INK. FACSIMILE APPLICATIONS CANNOT BE ACCEPTED. Submit original application to the Office of the City Clerk, 801 North First Street, Room 116, San José, California, 95110, Telephone (408) 277-4424. If more space is needed, please attach additional pages. Applications are valid for one year from the date of application.

P 1038

Are you a resident
of San José? **YES**

Length of
Residency **35 YEARS**

Council
District No. **10**

Name
(last, first, middle) **FREDERICK R. de FUNIAK**

Home Phone No.

Work Phone No.

Address

San José, CA Zip

Present Employer (Name/Address)

Job Title/Description of Duties:

**RETIRED FROM THE EAST SIDE UNION HIGH SCHOOL DISTRICT AFTER
33 YEARS AS A TEACHER, COUNSELOR, ASSOCIATE PRINCIPAL, AND PRINCIPAL**

Current Employer of Spouse (Name/Address)

Spouse's Job Title/Description of Duties:

N/A

College, Professional, Vocational or
Other Schools Attended

Major Subject

Dates Attended

Degree & Date

SANTA CLARA UNIVERSITY

HISTORY

BA 1967

TEACHING CREDENTIAL

1968

SAN JOSE STATE UNIVERSITY

COUNSELING CREDENTIAL

1975

EDUCATION

MA 1975

ADMINISTRATIVE CRED.

1976

List any position or office held in any governmental agency, civic or charitable organization including the dates:

MEMBER, CIVIL GRAND JURY

2001-2002

FOREMAN, CIVIL GRAND JURY

2002-2003

BEREAVEMENT VOLUNTEER, HOSPICE OF THE VALLEY

SEP 2003 - CURRENT

PROJECT

Languages spoken:

ENGLISH



Diversity

Special Awards or Recognitions Received:

- 1999 - CALIFORNIA DISTINGUISHED SCHOOL PRINCIPAL'S AWARD
- 1999 - COMMENDATION FROM SAN JOSE CITY COUNCIL FOR OUTSTANDING LEADERSHIP

Please state why you want to become a member of this Commission including specific objectives which you would work toward as a member. Please indicate any familiarity or experience you may have with campaign laws.

ALL CITIZENS SHOULD ASSIST GOVERNMENT, CULTURAL, OR VOLUNTEER ORGANIZATIONS BY GIVING OF THEIR TIME AND EXPERTISE. I HAVE THE EXPERIENCE, QUALIFICATIONS, AND DESIRE ^{FOR} SAN JOSE IN ITS CONTINUING EFFORTS TO PROVIDE EXCELLENT SERVICES TO ITS CITIZENS. AN AREA OF POSSIBLE CONCERN IS THE REDEFINING OF THE ROLES OF MAYOR/CITY COUNCIL AS POLICY MAKERS AND CITY MANAGER/STAFF AS POLICY IMPLEMENTERS.

CONFLICT OF INTEREST: State and local law require that you abstain from participation in decisions that may affect your financial interests, including sources of income, interests in real property or investments. In addition, if appointed, you may be required to fill out a disclosure statement which identifies certain of your financial interests beginning with the immediate twelve-month period prior to your appointment. Based on your best judgement, does this Commission make decisions that may affect sources of income, interests in real property or investments of you or your spouse? If yes, please explain. Please identify any organizations, associations, corporations or entities by which you are employed or associated that might be affected by decisions of this Commission, and the positions you hold.

I AM AWARE OF NO CONFLICTS OF INTEREST IN APPLYING FOR THIS POSITION.

Please state any other information which you feel would be useful in reviewing your application.

EXPERIENCED IN:

- SUBSTANTIVE AND PROCEDURAL DUE PROCESS ISSUES
- INTERPRETATION AND APPLICATION OF STATE AND LOCAL CODES AND UNION CONTRACTS, INCLUDING ETHICS ISSUES

SANJOSE REFERENCES:

Name J. PATRICK ROGERS

Phone No.

Address

Name CAROL + DUG BLOK

Phone No.

Address

Fredrick R. de Jonck

SIGNATURE OF APPLICANT

JULY 26, 2004

DATE SIGNED

SOCIO-DEMOGRAPHIC INFORMATION: (OPTIONAL)

Male ☒ Female ☐ 18-35 ☐ 36-45 ☐ 46-55 ☐ 56-65 ☒ 65+ ☐

Disability: Yes ☐ No ☒ Any special needs during interview process? Yes ☐ No ☒

Racial/Ethnic Identification: CAUCASIAN

Sexual Orientation HETEROSEXUAL

How did you learn of this vacancy? ST MERRIMAN NEWS

2004 JUL 26 A 10:54

RECEIVED
San Jose City Clerk



CITY OF SAN JOSE, CALIFORNIA
APPLICATION FOR CAMPAIGN FINANCE REVIEW

AND ETHICS BOARD (ETHICS BOARD)

MEMBERS OF SAN JOSE'S CAMPAIGN FINANCE REVIEW AND ETHICS BOARD (ETHICS BOARD) MUST BE RESIDENTS OF SAN JOSE. PLEASE TYPE OR PRINT IN BLACK INK. FACSIMILE APPLICATIONS CANNOT BE ACCEPTED. Submit original application to the Office of the City Clerk, 801 North First Street, Room 116, San Jose, California, 95110, Telephone (408)277-4424. If more space is needed, please attach additional pages. Applications are valid for one year for the date of application.

P1418

Board or Commission applying for:
Campaign Finance Review and Ethics Board (Ethics Board)

Are you a resident of
San Jose?
Yes

Length of
Residency:
30 Years

Council District No.

District 4 ✓

Name
(last, first, middle)
Horton, John, Dale

Home Phone No.

Work Phone No.

E-Mail Address

Address

San Jose, CA Zip 95110

Present Employer (Name/Address) Job Title/Description of Duties:

Retired

Current Employer of Spouse (Name/Address)

Spouse's Job Title/Description of Duties:

N/A

College, Professional, Vocational or
Other Schools Attended

Major Subject

Dates Attended

Degree & Date

University of Southern California

Systems management

1986 to 1988

M.S. 1988

Central State University
Edmond Oklahoma

Math, Physics, Chemistry

1965 to 1969

B.S. 1969

List any position or office held in any governmental agency, civic or charitable organization including the dates:

N/A

Languages spoken: Some Spanish

Special Awards or Recognitions Received:

Viet Nam service, Viet Nam campaign, Naval Reserve award, National Defense Medal, Presidential Unit Citation, Navy Commendation Medal (2 awards with combat V), Army Commendation medal, Air Medal (2 awards).

Please state why you want to become a member of this Board including specific objectives which you would work toward as a member. Please indicate any familiarity or experience you may have with campaign laws.

Campaign contributions from special interest groups to political candidates have the potential to introduce corruption into our system of government. However, that is not to say that all political candidates will become corrupted from the receipt of campaign contributions nor does it imply that all special interest groups have ulterior motives.

Some fully qualified candidates for political office are constrained financially and are therefore at a disadvantage. Campaign contributions will remain a fact of life.

My objective as a member of this board will be to ensure that the apparatus to oversee the integrity of campaign finances remains sound and that the public interest is served.

My familiarity with campaign laws stem from closely following all available literature on the subject and not from having attended law school.

financial interests, including sources of income, interests in real property or investments. In addition, if appointed, you may be required to fill out a disclosure statement which identifies certain of your financial interests beginning with the immediate twelve-month period prior to your appointment. Based on your best judgement, does this Board make decisions that may affect sources of income, interests in real property or investments of you or your spouse? If yes, please explain. Please identify any organizations, associations, corporations or entities by which you are employed or associated that might be affected by decisions of this Board, and the positions you hold.

I have no income, interest in real property or investments that would present a conflict of interest should I be appointed to this board.

Please state any other information which you feel would be useful in reviewing your application.

I am currently retired. During the course of my career in the semiconductor industry I was employed by companies ranging from large multi-national companies to small start up companies. The majority of my career has been in the quality profession. As such I have established standards and audited for compliance. I believe this experience will enable me to make a significant contribution to this board and to the City of San Jose.

SAN JOSE REFERENCES:

Name John Bielawski

Phone No.

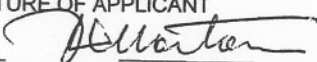
Address

Name Jim Decesare

Phone No.

Address

SIGNATURE OF APPLICANT



DATE SIGNED

1-11-04

SOCIO-DEMOGRAPHIC INFORMATION: (OPTIONAL)

Male ☒ Female ☐ 18-35 ☐ 36-45 ☐ 46-55 ☐ 56-65 ☒ 65+ ☐

Disability: Yes ☐ No ☒ Any special needs during interview process? Yes ☐ No ☒

Racial/Ethnic Identification: _____

Sexual Orientation: _____

How did you learn of this vacancy? WEBSITE

RECEIVED
San Jose City Clerk
2004 JAN 14 A 8:42



CITY OF SAN JOSE, CALIFORNIA

APPLICATION FOR SAN JOSE ELECTIONS COMMISSION

MEMBERS OF SAN JOSE ELECTIONS COMMISSION MUST BE RESIDENTS OF SAN JOSÉ. PLEASE TYPE OR PRINT IN BLACK INK. FACSIMILE APPLICATIONS CANNOT BE ACCEPTED. Submit original application to the Office of the City Clerk, 801 North First Street, Room 116, San José, California, 95110, Telephone (408) 277-4424. If more space is needed, please attach additional pages. Applications are valid for one year from the date of application.

P1317

Are you a resident of San José? YES	Length of Residency 8 MO	Council District No. 3	
Name (last, first, middle) WIDMAN, ALAN L.	Home Phone No. (408) 299-1111	Work Phone No. (408) 499-1111	
Address 2405-11th St		San José, CA Zip 95111	
Present Employer (Name/Address) LUCIE SALER PACKARD CHILDREN'S HOSPITAL 725 WELCH RD PALO ALTO, CA		Job Title/Description of Duties: DIRECTOR OF RADIOLOGY RESPONSIBLE FOR THE MANAGEMENT AND ADMINISTRATION OF THE RADIOLOGY DEPT	
Current Employer of Spouse (Name/Address) AUREUS MEDICAL, LLC 11825 Q STREET OMAHA, NE 68137		Spouse's Job Title/Description of Duties: RADIATION THERAPIST TREATS CANCER PATIENTS USING RADIATION	
College, Professional, Vocational or Other Schools Attended	Major Subject	Dates Attended	Degree & Date
UNIVERSITY OF MINNESOTA	HEALTHCARE ADMINISTRATION	5/95-7/98	MS, HCA 7/98
ST JOSEPH'S COLLEGE, WINSTON, ME.	HEALTHCARE ADMINISTRATION	5/84-5/89	BS, HCA 5/89

List any position or office held in any governmental agency, civic or charitable organization including the dates:

SECRETARY	PORT HURON MINOR HOCKEY ASSOCIATION, PORT HURON, MI	6/90-6/92
PRESIDENT	PORT HURON MINOR HOCKEY ASSOCIATION, PORT HURON, MI	6/92-6/94

Languages spoken:

ENGLISH



Special Awards or Recognitions Received:

Please state why you want to become a member of this Commission including specific objectives which you would work toward as a member. Please indicate any familiarity or experience you may have with campaign laws.

SAN JOSE IS MY NEW HOME. I WANT TO BE ABLE TO CONTRIBUTE TO THE PUBLIC GOOD IN A CONSTRUCTIVE MANNER. IT IS THE DUTY OF THE ELECTORATE TO ASSURE THAT THOSE SEEKING PUBLIC OFFICE CONDUCT THEIR AFFAIRS IN AN ETHICAL MANNER.

I DO NOT HAVE INTIMATE KNOWLEDGE OF CAMPAIGN LAWS. THAT KNOWLEDGE CAN BE OBTAINED THROUGH WORK AND SELF STUDY.

CONFLICT OF INTEREST: State and local law require that you abstain from participation in decisions that may affect your financial interests, including sources of income, interests in real property or investments. In addition, if appointed, you may be required to fill out a disclosure statement which identifies certain of your financial interests beginning with the immediate twelve-month period prior to your appointment. Based on your best judgement, does this Commission make decisions that may affect sources of income, interests in real property or investments of you or your spouse? If yes, please explain. Please identify any organizations, associations, corporations or entities by which you are employed or associated that might be affected by decisions of this Commission, and the positions you hold.

No

Please state any other information which you feel would be useful in reviewing your application.

BEING IN THE MEDICAL FIELD, I AM USED TO BASING DECISIONS AROUND A SET OF ETHICAL STANDARDS AND CONDUCTING MYSELF IN THAT FRAMEWORK.

SAN JOSE REFERENCES:

Name PASTOR ROBERT HEIN, ANGELES LUTHERAN CHURCH Phone No. 408-223-1000

Address 1000 Santa Teresa Blvd San Jose 95123

Name PASTOR JON MAHNKE, ANGELES LUTHERAN CHURCH Phone No. (408) 223-1000

Address 1000 Santa Teresa Blvd, San Jose 95123

[Signature]

SIGNATURE OF APPLICANT

7/10/04

DATE SIGNED

SOCIO-DEMOGRAPHIC INFORMATION: (OPTIONAL)

Male ☒ Female ☐

18-35 ☐ 36-45 ☐ 46-55 ☒ 56-65 ☐ 65+ ☐

Disability: Yes ☐ No ☒

Any special needs during interview process? Yes ☐ No ☒

Racial/Ethnic Identification: _____

Sexual Orientation: _____

How did you learn of this vacancy? SAN JOSE MERCURY NEWS EDITORIAL

RECEIVED
San Jose City Clerk
2004 JUL 15 A 9:49
3/2006